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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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John Du

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EXAMINER

HU, JINSONG

PILLSBURY WINTHROP LLP
725 S. FIGUEROA STREET
SUITE 2800
LOS ANGELES, CA 90017

ART UNIT

PAPER NUMBER

2154

DATE MAILED: 01/23/2004

9

Please find below and/or attached an Office communication concerning this application or proceeding.

File

Office Action Summary	Application No.	Applicant(s)	
	09/604,160	DU ET AL.	
	Examiner	Art Unit	
	Jinsong Hu	2154	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 17 November 2003.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-17 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-17 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. §§ 119 and 120

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.
a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. Claims 1-19 are presented for examination. Claims 1, 6, 9, 11, 14-16 and 18-19 have been amended.

2. Claims 1-10 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

A. The claim language in the following claims is not clearly understood.

i. As per claim 1, line 10, it is uncertain where a fourth server is [i.e., if there is no the fourth server, how a fifth server comes from]. Correction is required.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1-19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Barnett et al. (US 6,369,840 B1) in view of official notice.

5. As per claim 11, Barnett teaches the invention substantially as claimed including a method of automatically updating a predetermined calendar linked to a network [col. 1, lines 7-10], comprising:

forwarding update data to a locator [1502, Fig. 15], wherein the locator is linked to the network [1501, 1502, Fig. 2];

locating the predetermined calendar using subscriber data stored in the locator [col. 8, lines 1-10; col. 10, lines 23-42];

forwarding the update data from the locator to a first server [106, Fig. 1], wherein the first server is linked to the network and linked to the predetermined calendar [Fig. 1]; and

using the update data to update the predetermined calendar corresponding to the subscriber data [col. 8, lines 1-10; col. 10, lines 43-53].

6. Barnett does not specifically teach the predetermined calendar is a predetermined personal calendar. However, official notice is taken it would have been obvious to a person of ordinary skill in the art at the time the invention was made to replace the predetermined calendar in Barnett's system with a predetermined personal calendar to benefit users by automatically providing them a updated personal calendar because it is easy to implement the replacement in Barnett's system that both calendars are managed by the same controller [2204, 2206, Fig. 22]. One of ordinary skill in the art would have been motivated to modify Barnett's system with a predetermined personal calendar to bring convenience to users.

7. As per claim 12, Barnett teaches the step of forwarding an Automatic Subscriber message or a Non-Automatic Subscriber message to subscribers through the network [col. 9, line 48 – col. 10, line 10; col. 11, lines 52-55].

8. As per claim 13, Barnett teaches that the network is the Internet [col. 4, lines 61-65].

9. As per claim 14, Barnett teaches that the predetermined calendar is stored in a second server which is linked to the first server [104, 106, 114, Fig. 1]. However, Barnett does not specifically teach the predetermined calendar is a predetermined personal calendar. The motivation for modifying Barnett's system is the motivation as set forth above with respect to claim 11.

10. As per claim 15, Barnett teaches that the predetermined calendar is a commercially available Internet linked calendar [Figs. 4-13]. However, Barnett does not specifically teach the predetermined calendar is a predetermined personal calendar. The motivation for modifying Barnett's system is the same motivation as set forth above with respect to claim 11.

11. As per claims 16-19, since they are program claims of claims 11 and 13-15, they are rejected for the same basis as claims 11 and 13-15 above.

12. As per claim 1, Barnett teaches the invention as claimed including a system for automatically updating a predetermined calendar linked to a network [col. 1, lines 5-10], comprising:

a first server linked to the network [102, Fig. 1; col. 5, lines 20-22];

a second server [104, 114, Fig. 1] linked to the first server, to store an events page [col. 5, lines 44-49 & 55-58];

a third server [106, Fig. 1; 122, Fig. 1B], linked to the first server and the second server to edit the events page [col. 6, lines 38-40; col. 9, lines 28-32];

a locator [1502, Fig. 15] linked to the network, the locator is configured to receive update data from the third server and locates the predetermined calendar [col. 10, lines 23-42]; and

a fifth server [2201, Fig. 22] linked to the network and to the predetermined calendar, wherein the fifth server receives the update data from a fourth server [col. 6, lines 40-43; col. 20, lines 21-27], and the fifth server automatically updates the predetermined calendar in accordance with the update data [col. 8, lines 1-10; col. 22, lines 11-14; col. 24, lines 14-17].

13. Barnett does not specifically teach the predetermined calendar is a predetermined personal calendar. However, official notice is taken it would have been obvious to a person of ordinary skill in the art at the time the invention was made to replace the predetermined calendar in Barnett's system with a predetermined personal calendar to benefit users by automatically providing them a updated personal calendar

because it is easy to implement the replacement in Barnett's system that both calendars are managed by the same controller [2204, 2206, Fig. 22]. One of ordinary skill in the art would have been motivated to modify Barnett's system with a predetermined personal calendar to bring convenience to users.

14. As per claim 2, Barnett teaches that the update data includes an updated events page [Fig. 7A-B].

15. As per claim 3, Barnett teaches that the network is the Internet [col. 4, lines 61-65].

16. As per claim 4, Barnett teaches that the locator and the fifth server are linked to the network via at least one of a telephone line, a dedicated computer connection, a satellite connection and a cellular telephone network connection [col. 4, lines 57-58 & 61-65].

17. As per claim 5, Barnett teaches that the third server and the second server are linked to the first server via a Hyper Text Transfer Protocol link or a Transport Control Protocol link [col. 4, lines 53-58].

18. As per claim 6, Barnett teaches that the predetermined calendar is stored in a

sixth server which is linked to the fifth server [2206, Fig. 22]. Barnett does not specifically teach the predetermined calendar is a predetermined personal calendar. The motivation for modifying Barnett's system is the same reason as set forth above with respect to motivation for claim 1.

19. As per claims 7 and 8, Barnett teaches that the update data is converted to correspond to the predetermined calendar, wherein is a commercially available Internet linked calendar [Figs. 4-13]. However, Barnett does not specifically teach the predetermined calendar is a predetermined personal calendar. The motivation for modifying Barnett's system is the same motivation as set forth above with respect to claim 1.

20. As per claims 9 and 10, Barnett teaches the invention substantially a claimed in claim 1. However, Barnett does not specifically teach the predetermined calendar is a predetermined personal calendar. Barnett does not specifically teach the predetermined calendar is a predetermined personal calendar. The motivation for modifying Barnett's system is the same motivation as set forth above with respect to claim 1.

21. Barnett does not specifically teach that the locator comprises an-email interface for forwarding a message via e-mail after the events page has been edited. However, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to add an e-mail notification step in Barnett's system because doing so

would bring convenience to users by notifying them automatically when any change has been made for the events they are interested in. One of ordinary skill in the art would have been motivated to modify Barnett 's system with an e-mail notification step to improve the integrity of the system.

Conclusion

22. Applicant's arguments with respect to claims 1-17 have been considered but are moot in view of the new ground(s) of rejection.

23. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, THIS ACTION IS MADE FINAL. See MPEP §706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

24. A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.


25. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jinsong Hu whose telephone number is (703) 306 – 5932.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John A. Follansbee, can be reached on (703) 305-8498. The fax number for this Group 2100 is (703) 872-9306.

Any inquiry of a general nature or relating to the status of the application should be directed to the Group receptionist at (703) 305-3900.

Jinsong Hu

January 15, 2004



JOHN FOLLANSBEE
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2100